

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

FARAH NOERAND,

*Plaintiff,*

v.

BETSY DEVOS, in her official capacity as  
Secretary of the United States Department of  
Education,

And

THE UNITED STATES DEPARTMENT OF  
EDUCATION

*Defendants.*

No. 1:20-cv-11271

**JOINT STATUS REPORT AND REQUEST FOR EXTENSION OF BRIEFING  
SCHEDULE**

Pursuant to the Court's order of July 24, 2020, ECF# 16, the Parties submit this joint status report regarding scheduling for the remainder of the case. For the reasons explained below, the Parties include in this report a request to amend the current briefing schedule on the scope of the preliminary injunction.

By order of July 27, 2020, ECF #17, the Court extended the briefing schedule on the scope of the preliminary injunction to require Defendant to submit a brief by August 7, 2020, and Plaintiff to respond by August 14, 2020. Following that order, undersigned counsel for Plaintiff was informed on August 4, 2020 that the Massachusetts Attorney General is considering filing a potentially related action to enjoin the Interim Final Rule on behalf of the Commonwealth of Massachusetts within the next several weeks.

Because the Commonwealth would be situated differently from Plaintiff with respect to moving for injunctive relief – and because Plaintiff has requested relief that would affect educational institutions across Massachusetts – the Parties believe that concerns of judicial economy counsel delaying a decision on the scope of the preliminary injunction at this time.

Additionally, the Parties are aware that in *Washington v. DeVos*, 2:20-cv-00182 (E.D. Wash. 2020), the Department of Education intends to file a publicly-available copy of the administrative record with respect to the Interim Final Rule by August 7, 2020. *See id.*, ECF# 55. Inasmuch as the administrative record may inform any decision by Plaintiff to move to amend the complaint in this case, the ability to review the record will likewise inform the Parties' positions as to resolving the case moving forward and expedite the ultimate resolution of this matter.

As such, the Parties propose that (1) the current briefing deadlines be suspended, and (2) by August 21, 2020, the Parties will submit a second status report apprising the Court of any further developments and proposing, as appropriate, new briefing deadlines as to the scope of the preliminary injunction as well as the Parties' positions with respect to the resolution of the remainder of the case.

Respectfully submitted,

FARAH NOERAND

By her attorneys,

/s/ Rachel C. Hutchinson

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EDUCATION, AND THE UNITED STATES  
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Dated: August 5, 2020

**Certificate of Service**

I hereby certify that on August 5, 2020, I electronically transmitted the attached document to the Clerk of the Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

/s/ Rachel C. Hutchinson

Rachel C. Hutchinson